

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

GRAHAM-FIELD, INC., et al.
Plaintiffs,

CIVIL NO. 98-1306 (DRD)

v.

TUFFCARE, INC., et al.,
Defendants.

ORDER

Pending before the Court is defendant's *Informative Motion* (Docket No. 276). Defendant affirms that the parties have reached an agreement that settles the case in its entirety for the amount of Sixty Thousand Dollars (\$60,000) payable in two (2) equal installments. Further, defendant has also agreed that the Ten Thousand Dollars (\$10,000) held in sanctions by the Court and which the Court has agreed to lift in order to facilitate the settlement agreement will be paid directly to plaintiffs as additional consideration. Due to the fact that plaintiffs are currently under a bankruptcy proceeding, the settlement agreement must be approved by the Bankruptcy Court.

The defendants sustain that the first payment shall be made within ten (10) days after the bankruptcy judge approves the settlement agreement and the second payment shall be made four (4) months thereafter. Further, defendant has agreed that if it fails to make the second payment as scheduled, default judgment shall be entered against it in the amount of **One Hundred Fifty Thousand Dollars (\$150,000)**. Finally, the defendants state that the parties will submit the joint motion pursuant to Rule 41(a)(1)(ii) as soon as the Bankruptcy Court approves the instant settlement agreement.

Therefore, because the parties have provided their best efforts to settle plaintiffs' claims against the defendants in its entirety and the terms of the settlement are known to the Court, the Court hereby **CLOSES the instant case for all statistical purposes**. The Court **DISMISSES** plaintiffs' claims against the defendants **WITH PREJUDICE**. Further, all counterclaims are also **DISMISSED WITH PREJUDICE**. **Judgment shall be issued accordingly**. Finally, once the Bankruptcy Court approves the settlement agreement, the parties shall file a motion informing the Court of said approval and the Court will provide the parties with a period of **twenty (20) days** to submit final settlement documents. Then, an Amended Judgment shall be issued. However, should the Bankruptcy Court does not approve the settlement, the Court will reopen immediately the instant case and set the case for trial. **The Court retains jurisdiction for compliance purposes since there is a federal constitutional claim alleged.**

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 25th day of February 2005.

S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE